

Remarks

In response to the office action dated March 23, 2004, the applicants are making amendments to the claims. Dealing with each of the matters raised by the Examiner in turn:

Claims:

Claim 1 (and each corresponding independent claim) has been amended by clarifying that the media content, which is mixed with the call content, is audio media content, i.e. an audio mixer is indeed used.

It would appear that the Examiner has interpreted certain of the phrases used in the disclosure of Bilder differently to Applicants' interpretation of the same phrases.

The Examiner has pointed to column 9, lines 45-53 of Bilder in rebutting our earlier argument. This passage does indeed state that "on-hold parties may be supplied with on-hold messages similar to the previously described embodiments". What are these on-hold messages? Looking at the previously described embodiments, it is very clear that the on-hold messages are those messages which are processed by the on-hold message device (see the paragraph bridging columns 3 and 4).

Bilder's "on-hold messages" are menu messages sent to the on-hold party listing available activities, and the reply messages identifying that party's selection of activity.

Accordingly, the passage at column 9, lines 45-53, when read in context, states that the on-hold party is supplied with messages relating to on-hold activities and with on-hold media content (games, music, etc.). The on-hold party is not supplied with the normal telephony signals from the other end for mixing with any audio media content which is locally generated.

Thus, the present invention differs from *Bilder* in that the present invention allows the user to both receive locally generated media content and to continue to monitor any normal telephony signals emanating from the remote end of the call. *Bilder*, in contrast, switches a held caller to the media content generator and provides only messages relating to the media activities available.

As regards claims 3 and 21-31, the applicants again note that it is not disputed that mechanisms for switching codecs mid-call were known at the filing date. What *Bilder* is missing, however, is any recognition that codecs should be switched.

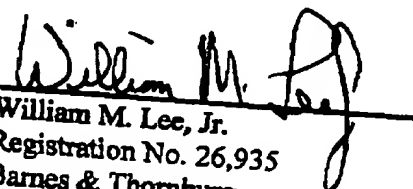
*Bilder* also does not recommend that the media should be generated locally (in fact, the preferred embodiment is that it be generated remotely). It is, however, acknowledged that *Bilder* states the activity selection device can be placed at various sites within the network or indeed distributed throughout the network.

The invention of claims 8 and 21-31 relies, however, on a number of combined features – the mandatory local generation of media content, and the associated use of a codec switch when the locally generated content is accessed. All that can be said about a combination of *Bilder* and *Schuster* is that it would have been possible to generate content locally (according to the vague statement in *Bilder*), and that mid-call codec switching was known (as per *Schuster*). This does not provide a suggestion or motivation to conduct a codec switch in association with a switch to locally generated media content. Without knowledge of the teaching of the present invention, it is difficult to see where the skilled person, on reading these two references, would have had the suggestion or motivation to make the combination in question.

Therefore, reconsideration is requested, and it is submitted that the claims are allowable over the prior art. Such action is therefore solicited.

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Respectfully submitted,



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